

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

CR 5:19-CR-50101

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

LORRAINE YELLOW BOY,

Defendant.

The Defendant states that the following facts are true, and the parties agree that they establish a factual basis for the offenses to which the Defendant is pleading guilty pursuant to Federal Rule of Criminal Procedure 11(b)(3):

In July 2018, the defendant, Lorraine Yellow Boy, began her employment as an Evidence Technician with the Oglala Sioux Tribe Department of Public Safety. As part of her employment, the defendant had access to the Evidence Control Room, which contained a number of safes used to store evidence, including firearms, drugs, and United States currency. The defendant was in charge of the currency safe.

Beginning in October 2018, the defendant began taking money from evidence bags stored in the currency safe for her own personal benefit. Initially, the defendant would steal money and then pay the funds back undetected. However, over time, the defendant's theft of money got to the point where she was unable to pay back the funds she was stealing.

On some occasions, the defendant would cut open evidence bags in the currency safe and take some of the money from the bag. On other occasions,

the defendant would remove the entire evidence bag from the currency safe and concealed it on her person in order to remove it from the Evidence Control Room.

In December 2018, the defendant took an evidence bag from the currency safe by concealing it in her waistband. The evidence bag contained approximately \$11,000 in cash. The defendant took the money to the Prairie Winds Casino and gambled all but \$700, which she later spent. On another occasion in December 2018, the defendant concealed an evidence bag containing \$1300 in cash in her boot and gambled it at the Prairie Winds Casino.

In March 2018, another evidence technician realized \$1380 in cash was missing from an evidence bag after the owner of the cash requested to have it returned. When the defendant was made aware of this, she took cash from other evidence bags to replace the missing cash in an attempt to cover-up her theft. Later, in March 2018, during an audit of the currency safe, it was discovered that thousands of dollars was missing from various evidence bags. In total, the defendant stole \$30,661.00 from the currency safe. The defendant used some of the money to pay her personal bills, but used the majority of the money she stole to gamble at the Prairie Winds Casino.

Defendant is an "Indian" under the provisions of 18 U.S.C. § 1153 in that she is an enrolled member of the Oglala Sioux Tribe. The offense occurred near Pine Ridge, South Dakota, which is within the exterior boundaries of the Pine Ridge Indian Reservation. This location is "Indian country" within the provisions of 18 U.S.C. §§ 1151 and 1153.

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7-11-2019

7.9.19

Date



Lorraine Yellow Boy
Defendant

7.9.19

Date



Jennifer Albertson
Attorney for Defendant

